

Message Text

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ACTION EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15

NSC-05 /051 W

-----094477 290631Z /10

R 290530Z AUG 77

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 5581

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E.O. 11652: N/A

TAGS: EAIR, TH

SUBJ: CIVAIR: AIR SIAM'S OPERATING PERMIT

REF: STATE 203407

1. IN PRINCIPLE EMBASSY ENDORSES PROPOSED RECOMMENDATION THAT PRESIDENT APPROVE CAB ORDER CANCELLING AIR SIAM'S FOREIGN AIR CARRIER PERMIT. HOWEVER, DEPARTMENT MAY WISH TO DEFER THIS ACTION PENDING OUTCOME OF AIR SIAM APPEAL TO RTG'S COURT OF APPEALS REGARDING REVOCATION OF AIRLINE'S OPERATING LICENSE BY MINISTRY OF COMMUNICATIONS.

2. AIR SIAM ON FEB 4 FILED SUIT AGAINST MINISTRY OF COMMUNICATIONS ALLEGING THAT MINISTRY ABUSED ITS AUTHORITY IN REVOKING AIR SIAM'S LICENCE. AIRLINE PLEADED THAT INASMUCH AS AIR SIAM ENJOYED PROMOTIONAL PRIVILEGES FROM RTG BOARD OF INVESTMENT, MINISTRY WAS NOT EMPOWERED TO REVOKE AIRLINE'S LICENSE. AIR SIAM ASKED COMPENSATION OF 479 MILLION BAHT.

3. BANGKOK CIVIL COURT ON AUG 8 DISMISSED AIR SIAM'S SUIT AND ORDERED AIRLINE TO PAY 400,000 BAHT (\$20,000)
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TO COVER COURT FEES AND EXPENSES INCURRED BY DEFENDANT. COURT RULED THAT MINISTRY HAD ACTED LAWFULLY IN REVOKING AIR SIAM'S LICENSE. AIRLINE THEN APPEALED TO HIGHER COURT.

4. WE ASSUME COURT OF APPEALS WILL UPHOLD CIVIL COURT'S RULING. HOWEVER, IN EVENT COURT OVERTURNS LOWER COURT DECISION, QUESTION ARISES AS TO WHETHER CAB WOULD

BECOME VULNERABLE TO SUIT BY AIR SIAM FOR CANCELLING
FOREIGN AIR CARRIER PERMIT ON BASIS RTG ACTION DEEMED
ILLEGAL BY HIGHER THAI COURT.

5. IF DEPARTMENT RECOMMENDS THAT PRESIDENT APPROVE
CAB NOW, PLEASE ADVISE SO THAT EMBASSY MAY INFORM
MINISTRY OF COMMUNICATIONS AND MFA.
O'DONOHUE

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NNN

Message Attributes

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Disposition Approved on Date:
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